

COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

TIN YAO LIN, ET AL.,

against

HAYASHI YA II, INC. D/B/A HAYASHI YA, ET AL.,

Plaintiff(s)

Defendant(s)

Index No. 08 CIV 6071

AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)
SEE ATTACHED RIDERSTATE OF NEW YORK, COUNTY OF NEW YORK
party herein, is over 18 years of age and resides at SUNNYSIDE, NEW YORKThat on 7/9/08 at 4:40 PM., at 857 NINTH AVENUE, NEW YORK, NEW YORK
deponent served the within summons, and complaint on HAYASHI YA OF 9 AVENUE, LLC
SEE ATTACHED RIDER D/B/A HAYASHI YA N/K/A
NEW HAYASHI YA, INC.INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.CORPORATION a DOMESTIC corporation, by delivering thereat a true copy of each to NIKKI NI
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age
3. and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—
4. usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called thereMAILING TO RESIDENCE USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.MAILING TO BUSINESS USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at5A. in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.DESCRIPTION USE WITH 1, 2, OR 3 Male White Skin Black Hair White Hair 14-20 Yrs. Under 5' Under 100 Lbs.
 Female Black Skin Brown Hair Balding 21-35 Yrs. 5'0"-5'3" 100-130 Lbs.
 Yellow Skin Blonde Hair Mustache 36-50 Yrs. 5'4"-5'8" 131-160 Lbs.
 Brown Skin Gray Hair Beard 51-65 Yrs. 5'9"-6'0" 161-200 Lbs.
 Red Skin Red Hair Glasses Over 65 Yrs. Over 6' Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

HE YI WENG

Notary Public, State of New York

No. 01WE6178606

Qualified in Kings County

Commission Expires Dec. 03, 2011

Sworn to before me on

7/10/08

PRINT NAME IN BLOCK LETTERS
DI CONG JIANG

License No. 1220800

Hei Weng

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TIN YAO LIN, ET AL.,

CASE NO.
08 CIV 6071

-against-

HAYASHI YA II, INC. D/B/A HAYASHI
YA, ET AL.,

RIDER TO AFFIDAVIT
OF SERVICE

-----X

LIST OF DOCUMENTS SERVED:

- SUMMONS IN A CIVIL ACTION
- COMPLAINT
- INDIVIDUAL RULES AND PROCEDURES OF JUDGE SHIRA A. SCHEINDLIN
- ELECTRONIC CASE FILING RULES & INSTRUCTIONS
- INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK